



UNITED STATES PATENT AND TRADEMARK OFFICE

[Signature]
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,137	05/30/2000	Teruo Okada	192523US2	1270

22850 7590 07/28/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,137

Applicant(s)

OKADA ET AL.

Examiner

Lewis G. West

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6, 10-19 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 14 24-32 is/are allowed.
- 6) ☒ Claim(s) 3-6 and 11-13 is/are rejected.
- 7) ☐ Claim(s) 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Arguments

Applicant's arguments filed May 24, 2006 have been fully considered but they are not persuasive. As previously explained, the broad shield claimed by the applicant does not overcome the prior art, and even as reworded still only describes a generic shield. As worded, the fact that EM may issue through the shield does not further limit the structure of the shield itself.

Regarding the combination, the examiner has provided both citations of the elements claimed as well as the required motivation, so applicant's statement of the requirements of 35 USC 103 does not overcome the rejection.

Applicant having amended claims, and all arguments having been addressed, prosecution is now closed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (6,606,506) in view of SONY CPD-X77ES (hereafter SONY) further in view of Stein (US 5,905,947).

Jones discloses an audio system comprising a head attachment unit having a reproduction portion configured to reproduce audio information stored in a memory portion and an output

Art Unit: 2618

portion configured to output sound according to the reproduced audio information (Col. 3 lines 8-22); and a remote control unit (72) having a plurality of operating buttons corresponding to one of a plurality of operation mode for audio reproduction (col. 6 lines 14-23), wherein the remote control (72) unit comprises a transmitter (78) configured to transmit the control signal (Col. 6 lines 14-23)

Jones does not specifically describe the button functions of the remote. The Sony manual for the CPD-77ES describes audio mode buttons on a wireless remote including play (start producing audio), stop, rewind and fast-forward for CD controls. (pages 16-17) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include these in order to access different portions of audio segments and to interrupt the audio when necessary as it is further suggested by Jones, col. 6 lines 14-23, that CD controls may be used in the remote.

Jones and the Sony reference disclose wirelessly transmitting the control signals, and that any wireless control configuration may be used, but do not expressly disclose radio waves via an antenna in an opening emitting electromagnetic waves therefrom.

Stein discloses a headphone remote having a radio antenna in a shield which allows the emission of EM signals. (no specific shielding type is claimed, so any housing reads on a shield). (see col. 7 lines 35-60; Figures 3, 12)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a radio antenna in an opening of a shield which allows EM waves therethrough, the non directional nature of a radio connection being useful for a connection to a headset as the line of sight required by an optical connection would be more difficult to maintain,

Art Unit: 2618

and to insert the antenna through the a shield opening to allow a larger external antenna which may be rotated for maximum efficiency to be used modularly with the internal circuitry of the device.

Regarding claim 6, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein the remote control unit is in the shape of a ring. When a watch (see item 72 of Jones) is in use it takes a circular shape, which is the shape of a ring.

Regarding claim 11, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein the memory portion is freely attachable and detachable to and from the head attachment audio unit body. (Jones, Col. 3 lines 24-38)

Regarding claim 12, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein the memory portion is a solid memory disposed to the head attachment audio unit body. (Jones, Col. 3 lines 24-38)

Regarding claim 13, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein the head attachment audio unit further comprises an audio input signal. (Jones, Figure 1, microphone 24)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (6,606,506) in view of SONY CPD-X77ES (hereafter SONY) further in view of Stein (US 5,905,947) and further in view of Hall (US 6,307,945).

Regarding claim 4, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein there is attachment of the remote with a watch band, but does not expressly disclose a chain. Hall discloses a remote for an audio earset attached as a chain pendant (Col. 4 line 43-58; Col. 5 lines 8-23) Therefore it would have been obvious to one of ordinary skill in the

Art Unit: 2618

art at the time of the invention to use a chain as shown in Hall provides a convenient way to carry a remote device which leaves it easily accessible to both hands, and provides the additional advantage that voice control could be easily implemented in such a configuration.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (6,606,506) in view of SONY CPD-X77ES (hereafter SONY) further in view of Stein (US 5,905,947) and further in view of Vogel (GB 2 316 788 A).

Regarding claim 5, the combination of Jones, SONY and Stein discloses the audio system of claim 3 wherein the remote control unit is attached to a watchband. But does not expressly disclose that it is attachable and detachable to and from the watchband. Vogel discloses a headset remote which comprises a mechanism of attaching and detaching the remote control unit to and from a watchband. (Page 5 line 28- Page 6 line 7, Figs. 2, 3A, 3B) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the remote detachable from the watchband, as it would allow (as in Vogel Figures 2 and 3A) the remote to be attached using the same means as a wristwatch, providing a convenience of integrating multiple devices into one means for attachment. (see Vogel Page 5 lines 23-27)

Allowable Subject Matter

Claims 10, 14 and 25-32 are allowable.

Reasons for allowability of claims 10 and 14 may be found in the previous office action mailed September 9, 2005. Claims 25-32 depend directly or indirectly from claim 14. When

Art Unit: 2618

incorporating all the limitations of the base claim and any intervening claims, none of the prior art discloses the features as claimed.

Claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15, the prior art discloses the audio system of claim 3, see the above rejection. However the prior art does not teach or fairly suggest the two way connection between the headset and remote including a response portion in the headset for sending a return response signal from the headset and the remote having a receiver for said return response signal as specifically laid out in claim 15, when viewed in combination with the entirety of the claimed subject matter. When incorporating all the limitations of the base claim and any intervening claims, none of the prior art discloses the features as claimed.

Claims 16-19 depend directly or indirectly from claim 15, when incorporating all the limitations of the base claim and any intervening claims, none of the prior art discloses the features as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2618

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis West
(571) 272-7859



Matthew D. Anderson
Supervisory Patent Examiner
(571) 272-4177